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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,190	12/09/1999	BRADLEY CAIN	2204/185	8564
34845	7590	12/12/2006	EXAMINER	
McGUINNESS & MANARAS LLP			VO. LILIAN	
125 NAGOG PARK			ART UNIT	PAPER NUMBER
ACTON, MA 01720			2195	

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/458,190	CAIN, BRADLEY	
	Examiner	Art Unit	
	Lilian Vo	2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3 - 6, 8 - 11 and 13 - 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3 - 6, 8 - 11 and 13 - 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 3 – 6, 8 – 11 and 13 – 15 are pending. Claims 2, 7 and 12 have been cancelled.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/26/06 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3 - 6, 8 - 11, and 13 - 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tam et al. (US 6,115,751, hereinafter Tam) in view of Applicant Admitted Prior Art (hereinafter AAPA).

5. As to **claim 1**, Tam teaches a computer implemented method for expediting a selected operation in a computer system, the method comprising:

associating a plurality of routing operations with an operating system routing task, the plurality of routing operations including the selected operation (abstract, col. 9 lines 22 – 34);

executing the operating system routing tasks at a low priority level prior to performing the selected operation (col. 8 lines 22 – 34); and

raising the operating system routing task to a high priority level in order to perform the selected operation in response to a detection of a trigger condition comprising a link state message indicating that the selected operation is to be performed, wherein the raising the operating system routing task to the high priority level causes the operating system routing task to execute without being interrupted by at least one other operating system task running at the low priority (col. 7 lines 22 – 32, col. 9 lines 45 – 55, col. 10 lines 4 – 15 and fig. 9).

Tam did not clearly disclose the triggering condition comprises a link state advertisement protocol. Nevertheless, a link state advertisement protocol is taught in the AAPA on page 1 lines 19 – 31. Therefore, it would have been obvious for one of ordinary skill in the art, at the time the invention was made to incorporate this feature with Tam's invention to provide the communication network with various types of routing protocol.

6. As to **claim 3**, as modified Tam teaches the operating system task is a routing task and wherein the link state advertisement protocol message includes link status information (fig. 8 lines 22 – 34, fig. 9).

As to **claim 4**, as modified Tam teaches that when a node receives a LSA message, the node updates its topology information database by running a special algorithm to determine the

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routes based upon the updated topology information wherein a well-known algorithm for determining the routes is a Dijkstra shortest path algorithm (AAPA: pg. 1, lines 26-30).

7. As to **claim 5**, as modified Tam teaches lowering the operating system task to the low priority level upon completion of the selected operation (col. 8 lines 22 - 34).

8. As to **claims 6, 8 – 11 and 13 - 15**, they are rejected on the same ground as stated in claims 1 – 5 above.

Response to Arguments

9. Applicant's arguments with respect to claims 1, 6 and 11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lilian Vo whose telephone number is 571-272-3774. The examiner can normally be reached on Thursday 8am - 5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lilian Vo
Examiner
Art Unit 2195

lv
December 7, 2006


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